

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ADAM GONZALES,

2:14-CV-230 JCM (NJK)

Plaintiff(s),

V.

WAL-MART STORES, INC., et al.,

Defendant(s).

ORDER

Presently before the court are the report and recommendation of Magistrate Judge Koppe. (Doc. # 23). No objections have been filed even though the deadline for filing objections has passed.

Upon considering plaintiff Adam Gonzales' motion to remand, (doc. # 9), and defendant Wal-Mart's motion to sever, (doc. # 10), Magistrate Judge Koppe recommended that the former be granted and the latter be denied.

21 This court “may accept, reject, or modify, in whole or in part, the findings or
22 recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to
23 a magistrate judge’s report and recommendation, then the court is required to “make a de novo
24 determination of those portions of the [report and recommendation] to which objection is made.”
25 28 U.S.C. § 636(b)(1).

26 Where a party fails to object, however, the court is not required to conduct “any review at all
27 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s report and recommendation where no objections have been filed. *See United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the district court when reviewing a report and recommendation to which no objections were made); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s decision in *Reyna-Tapia* as adopting the view that district courts are not required to review “any issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s recommendation, then this court may accept the recommendation without review. *See, e.g., Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation to which no objection was filed).

11 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
12 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
13 and underlying briefs, this court finds good cause appears to ADOPT the magistrate judge's findings
14 in full.

15 || Accordingly,

IT IS HEREBY, ORDERED, AND DECREED that the report and recommendation of
Magistrate Judge Koppe (doc. # 23) are ADOPTED in their entirety.

IT IS FURTHER ORDERED that plaintiff's motion to remand (doc. # 9) is GRANTED.

IT IS FURTHER ORDERED that defendant's motion to sever (doc. # 10) is DENIED.

20 DATED June 10, 2014.

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Ellis C. McLean
UNITED STATES DISTRICT JUDGE

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